

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

INTERNATIONAL UNION, UNITED)

AUTOMOBILE, AEROSPACE, AND)

AGRICULTURAL IMPLEMENT)

WORKERS OF AMERICA,)

Defendant.)

Case No. 20-13293

Honorable David M. Lawson

MONITOR'S EIGHTH STATUS REPORT

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Pursuant to Paragraph 58 of the Consent Decree (Dkt. No. 10), the Court-appointed Monitor, Neil M. Barofsky, respectfully submits to the Court this eighth status report (“Eighth Report”) concerning the monitorship of the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America (the “Union” or the “UAW”).

INTRODUCTION

The Monitor is filing this Eighth Report to the Court to provide a comprehensive overview of the Monitor’s work to oversee and administer the 2022 UAW International Officer Election (“2022 Election”) and the 2023 UAW International Officer Run-Off Election (the “Run-Off Election”) (collectively, the “Elections”). In the Monitor’s Second Report,¹ the Monitor described the work to develop, in consultation with the UAW, the Official Rules for the 2022 Election (the “Election Rules”).² The Monitor reported the results of the Elections in the Fourth,³ Fifth,⁴ and Sixth Reports.⁵ Additionally, following the Monitor’s resolution of all election protests, the Monitor certified the results of both Elections in the Seventh Report,⁶ and, pursuant to Court Order, further described each of those protests in the Supplement to the Seventh Report.⁷

This Report supplements those reports by providing the Court with additional detail concerning the Monitor’s election-related activities under the Consent Decree. *First*, it

¹ Monitor’s Second Status Report, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (May 11, 2022), Civil No. 20-cv-13293, ECF No. 59 (“Second Report”).

² Election Rules, UAW Monitor, <https://www.uawmonitor.com/elections>.

³ Monitor’s Fourth Status Report, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (December 5, 2022), Civil No. 20-cv-13293, ECF No. 97 (“Fourth Report”).

⁴ Monitor’s Fifth Status Report, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (March 17, 2023), Civil No. 20-cv-13293, ECF No. 101 (“Fifth Report”).

⁵ Monitor’s Sixth Status Report, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (March 25, 2023), Civil No. 20-cv-13293, ECF No. 102 (“Sixth Report”); Addendum to Monitor’s Sixth Status Report, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (May 2, 2023), Civil No. 20-cv-13293, ECF No. 103 (“Sixth Report Addendum”).

⁶ Monitor’s Seventh Status Report, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (June 16, 2023), Civil No. 20-cv-13293, ECF No. 104 (“Seventh Report”).

⁷ Supplement to Monitor’s Seventh Status Report, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (July 25, 2023), Civil No. 20-cv-13293, ECF No. 113 (“Supplement to the Seventh Report”).

summarizes relevant events at the UAW Constitutional Convention, such as the incorporation of the direct election system into the UAW Constitution. *Second*, it summarizes the administration of the Elections, including the Monitor’s efforts, in consultation with the UAW and its vendors, to update the Global Mailing List, inform the membership of the Elections, design and distribute the ballots, and address Elections-related lawsuits and protests, all of which have now been resolved by the Department of Labor (“DOL”). *Third*, it summarizes the vote count process and the results. *Finally*, it describes some of the preparations and proposed improvements for the 2026 UAW International Officer Election (“2026 Election”).

I. CONVENTION

In July 2022, the UAW held its 38th Constitutional Convention at Huntington Place in Detroit, Michigan. As relevant to the election of the Union’s International Officers, Convention delegates (1) amended the UAW Constitution to implement the direct election system, as required by the Consent Decree; (2) voted on proposed resolutions related to the direct election system; and (3) nominated candidates for International Office.⁸

A. Constitutional Amendments

As described in previous reports to the Court, in fall 2021 Union members voted by referendum (the “Referendum”) to adopt a direct election system under which each UAW member would vote directly to elect the most senior Union leadership.⁹ As a result, the Consent Decree required that the UAW amend its Constitution “to incorporate [the direct election system] principle with respect to its [International Officer] elections prior to the next [International Officer] elections taking place[.]”¹⁰ The UAW, in consultation with the Monitor, drafted proposed language to amend the UAW Constitution, which Convention delegates adopted largely as part of a “direct election package.”¹¹ The full set of Constitutional changes adopted at the 2022 Convention is

⁸ In advance of the Convention, the Monitor, in consultation with the UAW, developed and published campaigning guidelines for those attending the Convention and related events. *See* 38th Constitutional Convention Campaigning Guidelines, UAW Monitor, <https://www.uawmonitor.com/elections>. Members of the Monitor’s team were present for the duration of the Convention. During the Convention, the Monitor considered and addressed various concerns raised by Union members, such as those involving press credentials, campaigning at the Convention, alleged retaliation and intimidation, and the candidate nomination process. The Monitor found no violations of applicable law, the UAW Constitution, or the Election Rules in connection with any of these issues.

⁹ *See* Monitor’s Referendum Report, *United States v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (Jan. 24, 2022), Civil No. 20-cv-13293, ECF No. 52-2 (“Referendum Report”). The results of the Referendum were endorsed by the Department of Labor Office of Labor Management Standards (“OLMS”) and approved by the Court. OLMS Endorsement, *United States v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (Jan. 24, 2022), Civil No. 20-cv-13293, ECF No. 52-3; Order Granting Joint Motion to Approve Referendum Results, *USA v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (January 31, 2022), Civil No. 20-cv-13293, ECF No. 53.

¹⁰ Consent Decree ¶ 12.

¹¹ All relevant amendments were adopted as part of this package with the exception of Article 10, Section 5, which pertained to a potential run-off election, as discussed below.

attached as Exhibit A.¹²

B. Resolutions

In addition to the Constitutional amendments required under the Consent Decree, Convention delegates also considered three resolutions concerning the election of International Officers.

- **Ranked Choice Voting.** As described in the Monitor's Second Report, delegates chose how the UAW would proceed in the event that a candidate for International Office did not receive a majority of votes on the first ballot: either through a mail-in ballot run-off election of the top vote-getters in any given race; or by the use of ranked choice voting ballots, in which voters would rank candidates in order of their preference.¹³ At the Convention, delegates rejected a resolution to amend the UAW Constitution to adopt ranked choice voting.¹⁴ Thereafter, the delegates amended Article 10, Section 5 to implement a mail-in ballot run-off process for the direct election system.
- **Retirees.** As described in the Monitor's Second Report, the Election Rules adopted by the Monitor included a prohibition against retired members running for International Office.¹⁵ At the Convention, several local unions proposed a resolution that would have overturned that rule and permitted retirees to run for International Office. After debate on the Convention floor, however, the delegates rejected the resolution.¹⁶
- **Campaign Finance.** Delegates considered a resolution related to campaign finance under the new direct election system. The resolution proposed amending the Constitution to provide that campaign contributions could be made by UAW members only, and capping those contributions to \$2,000 per member per candidate per election cycle. Because this limitation would have required additional infrastructure to track and verify donations and would have been inconsistent with the Election Rules already in place and

¹² In addition to the amendments related to the direct election system, delegates also amended Article 19 (relating to the availability of agreements to members on the UAW's website) and Article 30 (relating to the means of bringing charges against Union members for Constitutional violations or unbecoming conduct), as required by the Consent Decree. *See* Consent Decree ¶¶ 14, 15.

¹³ *See* Second Report at 26-28.

¹⁴ The Monitor worked with the UAW to draft this resolution language, as well as introductory language to be read at the Convention and a one-page explanation of ranked choice voting to be distributed to delegates.

¹⁵ *See* Second Report at 12-17.

¹⁶ As detailed in the Monitor's Supplement to the Seventh Report, some members have challenged this determination before the Adjudications Officer, DOL, and the U.S. District Court for the Eastern District of Michigan. *See* Supplement to the Seventh Report at 19 (citing decisions regarding retiree eligibility). One member's lawsuit against DOL regarding its denial of his protest on this issue remains pending before the Court. *See id.* (citing *James Coakley v. U.S. Dep't of Labor*, Civil No. 23-cv-10977).

relied upon by prospective candidates for the 2022 Election (which prohibit contributions from labor organizations and employers but allow contributions from non-members and do not impose any caps¹⁷), the amendment was limited to future elections. Delegates adopted the resolution, and the Constitution was amended accordingly. This change has also recently been incorporated into the Election Rules for the 2026 Election.¹⁸

C. Nominations

Pursuant to the Election Rules, candidates were nominated by delegates on the Convention floor.¹⁹ As described in the Monitor’s Second Report, active members in good standing were eligible for nomination without any need for a petition or minimum threshold requirement.²⁰

II. ELECTION ADMINISTRATION

The Monitor worked closely with the UAW and its Election Vendor²¹ to administer both the 2022 Election and the subsequent Run-Off Election.

A. Candidates

Throughout the Elections cycles, the Monitor oversaw the administration of rules governing candidate eligibility and conduct. In addition to the nomination process noted above, the Monitor vetted the potential candidates to confirm they were eligible to run under the requirements imposed by the Consent Decree. The Monitor also administered the campaign finance disclosure rules, as required by the Consent Decree and the Election Rules.

- **Vetting.** The Consent Decree required the Monitor to evaluate the

¹⁷ Election Rules §§ 8-3, 8-4.

¹⁸ See *infra* at 25-26.

¹⁹ Election Rules § 2-2.

²⁰ See Second Report at 21-22; Election Rules § 3-2. In advance of the nominations, the Monitor and UAW determined, in response to Election Hotline outreach, that delegates were able to nominate themselves. The Monitor also facilitated the ability of one candidate to contact the delegates to the Convention so that the candidate could solicit the support necessary to be nominated.

²¹ After soliciting and receiving various proposals, the Union selected the joint team of Merriman River Group (“MRG”) and Election Systems & Software (“ES&S”)—the same team that assisted in administering the Referendum—to serve as the Election Vendor. See Declaration of Matthew E. Fitch, *William Lehman v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am., and Neil M. Barofsky* (Nov. 21, 2022), Civil No. 22-cv-12790, ECF No. 20 (“Fitch Declaration”) ¶ 3.

eligibility of any Union member seeking to run for International Office²² and the Monitor, in turn, required each prospective candidate to submit a Candidate Declaration Form.²³ The UAW used Union records to assess the prospective candidate's eligibility to run per the UAW Constitution, including, for example, whether a candidate for Regional Director met the requirement that they had worked at least ninety (90) days at a workplace within the region for which they were running,²⁴ and advised the Monitor accordingly. The Monitor vetted thirty-four (34) candidates and, with the exception of candidates who were deemed ineligible solely because of their status as retirees, no other candidates were determined to be ineligible to run for International Office.²⁵ The candidates who were both vetted and nominated were considered bona fide candidates through the completion of the 2022 vote count.²⁶ In addition to confirming each candidate's continued eligibility to hold office prior to the Run-Off Election, the Monitor assessed new information raised about one qualifying candidate's eligibility during the Run-Off process and determined the candidate remained eligible to run.²⁷

- **Campaign Finance.** Consistent with Title IV of the Labor Management Reporting and Disclosure Act ("LMRDA"), the Election Rules make clear that union and employer resources were prohibited sources of campaign funding.²⁸ Candidates, slates of candidates, and any other individuals or groups who sought to raise, donate, and/or expend resources in connection with the Elections were required to open independent bank accounts for Election-related funds and complete monthly campaign finance

²² See Consent Decree ¶¶ 45-46 (requiring that the Monitor evaluate the eligibility of any Union member seeking to run for International Office per the requirements of the UAW Constitution, applicable law, and the Consent Decree); Second Report at 19-21.

²³ Upon receipt of an individual's Candidate Declaration Form, the Monitor: (1) ran and reviewed a state and federal background check related to the candidate to vet any criminal history; and (2) obtained the candidate's personnel file from the UAW, if any, including any disciplinary records and history. In some instances, the Monitor also sought information from the prospective candidates' local union, asking local union officials if they maintained their own disciplinary files, and, if so, for copies of the candidate's disciplinary file. More information about the eligibility provisions, the vetting process (including the appeal procedures), and timing requirements are described in the Monitor's Second Report at 19-21. See also Monitor's Initial Status Report, *USA v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (November 11, 2021), Civil No. 20-cv-13293, ECF No. 49 ("Initial Report") at 176-79.

²⁴ UAW Const., art. 10, § 2.

²⁵ This included three (3) individuals who submitted Candidate Declaration Forms but were not nominated at the Convention and therefore did not appear on the ballot.

²⁶ Election Rules § 2-1. Upon completion of the 2022 Election vote count, candidates who lost their races or did not receive enough votes to qualify for the Run-Off Election were no longer considered candidates entitled to the rights of access meant to enable candidates to conduct effective election campaigns. Run-Off Rules § 2-1.

²⁷ *Id.*; Supplement to Seventh Report at 16-17 (describing investigation concerning Region 9 Director).

²⁸ 29 U.S.C. § 481(g); Election Rules §§ 4-6, 8-3, 8-4.

submissions.²⁹ Redacted versions³⁰ of these disclosure statements were made available upon request for inspection by other candidates.³¹ The Election Rules also provided specific requirements for the disposal of unused campaign funds, and the Monitor has worked with candidates to ensure compliance with those requirements.³²

B. Issuance of Additional Rules

In addition to the main Election Rules, the Monitor, in consultation with the UAW, also issued a series of supplemental rules and guidelines for the 2022 Election, including: (1) 38th Constitutional Convention Campaigning Guidelines; (2) Supplemental Rule for Phone Banking and Mass/Robo Texting; (3) Rules for Observers; (4) Vote Count Rules; and (5) Candidate Forum Rules.³³

For the Run-Off Election, the Monitor issued the Official Rules for the 2023 UAW International Officer Run-Off Election (the “Run-Off Rules”).³⁴ The Run-Off Rules substantially mirrored the Election Rules and the other rules issued by the Monitor in advance of the 2022 Election vote count. All of these additional rules were published on the Monitor’s website³⁵ and also could be accessed via a link on the UAW’s website.

²⁹ *Id.* § 8-8.

³⁰ The Monitor redacted personal information of donors such as their home addresses but did not redact their names. The Monitor also transmitted the redacted disclosure forms through a service that would prohibit candidates from downloading or screenshotting other candidates’ disclosure statements, although candidates remained free to use the information observed to raise concerns to the Monitor or to include such information in their public campaigns.

³¹ Election Rules § 8-8. Some non-candidates contacted the Monitor’s Election Hotline to request to view candidates’ disclosure statements, but these requests were denied because the Rules allowed only candidates to inspect them. *See id.*

³² In accordance with the Election Rules, candidates with remaining funds either returned their leftover funds to contributors on a pro rata basis, donated leftover funds to charities, donated leftover funds to another candidate or slate, or elected to maintain their leftover funds in their designated account for a future election. *See* Election Rules § 8-10. A few candidates had either *de minimis* or zero funds remaining in their campaign accounts at the end of the Elections.

³³ *See* Elections, UAW Monitor, <https://www.uawmonitor.com/elections> (linking to each document).

³⁴ Run-Off Rules, UAW Monitor, <https://www.uawmonitor.com/elections>.

³⁵ Elections, UAW Monitor, <https://www.uawmonitor.com/elections>.

C. Global Mailing List

Building on the Monitor’s work in advance of the Referendum,³⁶ the Monitor oversaw a process to update the Global Mailing List—the Union’s list of members’ last known names, mailing addresses, and email addresses.

As previously reported, the UAW’s Global Mailing List is based on membership information obtained from the UAW’s more than 600 local unions through the UAW’s centralized information database called the Local Union Information System (“LUIS”).³⁷ The Monitor, UAW, and Election Vendor engaged in significant efforts to update the Global Mailing List and publicize the 2022 Election and the Run-Off Election.

Outside Databases. The Monitor and UAW worked with the Election Vendor to update the Global Mailing List by running it through the National Change of Address (“NCOA”) and TargetSmart databases, and used the information to mail additional ballots to updated addresses, as described further below.

- **NCOA.** Upon receipt of the Global Mailing List and subsequent supplemental lists from the UAW, the mailing house hired by the UAW and supervised by the Election Vendor, Rees Associates (“Rees”), ran each list through the NCOA database, which contains all changes of address recorded with the U.S. Postal Service in the previous 48 months.³⁸
- **TargetSmart.** The Election Vendor also ran the Global Mailing List through the database of TargetSmart, a private data vendor that uses advanced matching technologies to provide contact information and other

³⁶ See Initial Report at 167-171.

³⁷ See *id.* LUIS has historically served as an information portal between the International Union and local unions. See Letter of UAW General Counsel, *William Lehman v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am., and Neil M. Barofsky* (Nov. 22, 2022), Civil No. 22-cv-12790, ECF No. 23-1. The Union has previously used member addresses in LUIS to send Solidarity Magazine, certain national election related mailings, and communications with local union officers. See *id.* The Union also uses the information in LUIS as the basis on which (1) Local Unions are allocated delegates for the UAW’s Constitutional and Bargaining Conventions and (2) financial officers report monthly per-capita dues contributions that are received by the Local Unions and remitted, in part, to the International Union. See *id.*

³⁸ See Fitch Decl. ¶ 8.

records for individuals based, in part, on the nation-wide voter database.³⁹

Local Union Outreach. The Monitor, UAW, and Election Vendor engaged in an outreach campaign to local unions regarding the Elections, with a specific emphasis on the need to update member mailing addresses and other contact information. This outreach included:

- **Letter to Local Unions.** For both the 2022 Election and the Run-Off Election, the UAW and Monitor sent a letter to local unions instructing them to update information in LUIS regarding members' addresses and standing with the Union.⁴⁰ The letter also directed local unions to post the respective informal Notice of Election document to their websites and social media, to "post physical copies of [the] Notice wherever appropriate (*i.e.*, official union bulletin boards, jobsites, meeting halls, etc.)," and to e-mail the document to all members of their local unions with email addresses on file.⁴¹
- **Election Vendor Outreach.** The UAW and Monitor's July 2022 letter to local unions also informed them that the Election Vendor would be reaching out to assist local unions in identifying addresses that could potentially be updated.⁴² The Election Vendor later provided the local unions with a list of all addresses associated with postcards or ballot packages returned as undeliverable during the Referendum along with potential alternate addresses it had obtained from running the Global Mailing List through the TargetSmart database, as described above.⁴³
- **LUIS.** The UAW posted several messages in LUIS instructing local union leaders to update their membership lists and reminding these leaders of relevant Election-related deadlines.⁴⁴
- **Local Union Initiatives.** Local unions also took it upon themselves to spread information regarding the Elections and collect updated mailing address information from members. For example, many local unions sent emails to their members regarding deadlines and requesting updated mailing addresses. Many local unions also posted information regarding the Elections and the importance of updating mailing addresses on their websites and social media pages and during membership meetings.

³⁹ See *id.* ¶ 7.

⁴⁰ Letter to Local Union Officers (July 5, 2022); Letter to Local Union Officers (December 9, 2022).

⁴¹ *Id.*; see also Declaration of Glen G. McGorty, *William Lehman v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., and Neil M. Barofsky* (Nov. 21, 2022), Civil No. 22-cv-12790, ECF No. 19 ("McGorty Declaration") ¶ 9.

⁴² Letter to Local Union Officers (July 5, 2022).

⁴³ See *supra* at 8-9.

⁴⁴ See Declaration of Todd Brien, *Lehman v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (Nov. 21, 2022), Civil No. 22-12790, ECF. No. 16-3 ("Brien Decl.") ¶ 13.

Member Outreach. Throughout the Elections period, the Monitor and the UAW undertook significant outreach to Union membership to notify them about the Elections, the manner of voting, and the need to ensure updated mailing address information, including:

- **Monitor's Election Hotline.** The Monitor's Election Hotline, established during the Referendum,⁴⁵ remained open throughout the Elections so that members could provide updated mailing addresses and voice any questions or concerns. The Monitor promoted the Monitor's Election Hotline by including it on the Monitor's website,⁴⁶ in the Election Rules and Run-Off Rules,⁴⁷ and in other communications regarding the Elections, such as mailings to members and routine email correspondence. For example, between the beginning of ballot distribution and the deadline for the return of ballots for both Elections, the Monitor received nearly 2,000 calls or emails.⁴⁸ Based on these and other messages to the Monitor's Election Hotline, the Monitor answered questions, investigated potential issues, and assisted members with updating their contact information and receiving ballots.
- **Monitor's Website.** The Monitor continually updated the Monitor's website to provide pertinent information regarding the ongoing Elections to members.⁴⁹ This information included but was not limited to the Election and Run-Off Rules, the informal Notices of Election, recordings of the below-described Candidate Forums, and a Questions and Answers document.⁵⁰
- **UAW Social Media.** The UAW published numerous Election-related posts to its public Instagram and Facebook pages, the latter of which had approximately 138,000 followers during the 2022 Election period.⁵¹
- **UAW Website.** The official UAW website provided information concerning the relevant Election, as well as a link to the Monitor's website.⁵² For both Elections, candidates had the right to publish campaign literature on the UAW website and all chose to do so. The UAW also posted numerous other updates, including a May 2022 Member News feature, the

⁴⁵ See Initial Report at 171-73.

⁴⁶ Contact the UAW Monitor, UAW Monitor, <https://www.uawmonitor.com/contact>.

⁴⁷ Election Rules § 8-12; Run-Off Rules § 8-12.

⁴⁸ For the 2022 Election, between October 17 and November 18, 2022, the Monitor received over 1,050 calls or emails to the Election Hotline. See McGorty Decl. ¶ 14. For the Run-Off Election, between January 12, 2023, and February 28, 2023, the Monitor received over 850 calls or emails to the Election Hotline.

⁴⁹ Elections, UAW Monitor, <https://www.uawmonitor.com/elections>.

⁵⁰ Questions and Answers, UAW Monitor, <https://www.uawmonitor.com/elections>; see also McGorty Decl. ¶ 14.

⁵¹ See Declaration of Sandra Engle, *Lehman v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (Nov. 21, 2022), Civil No. 22-12790, ECF No. 16-2 ("Engle Decl.") ¶ 8.

⁵² See *id.* ¶ 6.

Candidate Forums, and an article on the newly elected IEB members following the 2022 Election results.⁵³

- **Solidarity Magazine.** Pursuant to the Election Rules, each candidate and slate had the right to have campaign literature published in the summer edition of *Solidarity Magazine*.⁵⁴ All candidates chose to do so. The summer edition of *Solidarity Magazine*, dedicated to the 2022 Election, was published online and more than 1,000,000 copies were mailed in September 2022.⁵⁵
- **Candidate Mailings.** Under the LMRDA, Election Rules, and Run-Off Rules, candidates had the ability to make reasonable use of the Global Mailing List to distribute campaign literature.⁵⁶ Per the Election Rules and Run-Off Rules, all candidates' campaign mailings and emails were facilitated by the UAW's Election Vendor; at no point was the Global Mailing List provided to any candidate.⁵⁷ Through this process, for the 2022 Election, fourteen (14) candidates or slates sent fifty-eight (58) emails to the Global Mailing List, and candidates or slates sent two (2) physical mailings through the Election Vendor. In the Run-Off Election, the participating candidates or slates sent twenty-three (23) emails through the Election Vendor, with twelve (12) emails sent to the entire Global Mailing List; and one (1) slate, UAW Members United, sent one (1) physical mailing through the Election Vendor. These candidate mailings often reminded members of the importance of updating their addresses and of relevant election deadlines.
- **Candidate Forums.** In September 2022, the Monitor held public Candidate Forums for the positions of International President, International Secretary-Treasurer, and International Vice President, each of which was moderated by Steven Greenhouse, a well-known reporter on labor and workplace issues. The Monitor held a similar forum for the two Run-Off candidates for International President in January 2023. In advance of the forums, the Monitor issued Candidate Forum Rules⁵⁸ and emailed all UAW members with email addresses on the Global Mailing List informing them

⁵³ See *id.* ¶ 7.

⁵⁴ Election Rules §§ 4-14, 4-15. The Monitor sent the Campaign Literature Guidelines, which included the specific technical and size requirements for such literature, to the candidates on July 29, 2022, and continued to work with them to finalize and update the materials. Email from Monitor to All Candidates (July 29, 2022) (attaching Campaign Literature Guidelines document).

⁵⁵ McGorty Decl. ¶ 12, Ex. 10 (*Solidarity Magazine*); Engle Decl. ¶ 4.

⁵⁶ Election Rules § 4-7; 29 U.S.C. § 481(c) (providing that the Union must “comply with all reasonable requests of any candidate to distribute by mail or otherwise at the candidate’s expense campaign literature in aid of such person’s candidacy to all members in good standing of such labor organization”).

⁵⁷ Election Rules § 4-7.

⁵⁸ Candidate Forum Rules; see also Email from Monitor to Candidates (Sept. 9, 2022); Election Rules § 4-13; Run-Off Rules § 4-13.

of the events and the relevant election.⁵⁹ Members were also invited to submit questions through the Election Hotline, and dozens of members did so.⁶⁰ Each forum was livestreamed, open for public viewing, and recorded and posted on the Monitor's website, the UAW's website, and YouTube,⁶¹ where they received tens of thousands of views.⁶²

- **Direct Emails.** Following the completion of the Candidate Forum(s) for each Election, the Monitor sent another email to the addresses on the Global Mailing List, again advising members of the relevant Election deadlines, reminding them to update their address, and providing links to the Candidate Forum recordings.⁶³
- **Posters.** For both Elections, the UAW issued posters to be hung in Union halls and jobsites reminding individuals to vote and of the relevant deadline for ballots to be returned.⁶⁴
- **UAW Postcards and Mailers.** In January and February 2023, the UAW sent a series of five postcards⁶⁵ with information about the Run-Off Election to active and retired members based on the mailing addresses listed in LUIS.⁶⁶
- **UAW Robocalls.** The UAW contracted with a vendor to place phone calls to more than 200,000 member phone numbers in LUIS in February 2023. These recorded phone messages reminded members of the ongoing Run-Off Election, noted that ballots had been mailed, reminded members to return a ballot if they had not done so, and provided information on how to request a replacement ballot.

⁵⁹ Email from Monitor to Global Mailing List (Sept. 13, 2022); Email from Monitor to Global Mailing List (Jan. 4, 2023); *see also* McGorty Decl. ¶ 12.

⁶⁰ The Monitor regularly transmitted questions submitted by members to Mr. Greenhouse, who also developed his own questions for the candidates.

⁶¹ *See* McGorty Decl. ¶ 12.

⁶² *See* UAW Candidate Forum [Secretary-Treasurer], YouTube, https://www.youtube.com/watch?v=Gz_RIoLiugU; UAW Candidate Forum [Vice President], YouTube, <https://www.youtube.com/watch?v=QyNy-CQOZ-M>; UAW Candidate Forum [President], YouTube, <https://www.youtube.com/watch?v=2TAY1d9nihY>; UAW President Candidate Forum, YouTube, <https://www.youtube.com/watch?v=gI9MgykX0sQ>.

⁶³ On October 11, 2022, the Monitor sent two separate emails to all email addresses on the Global Mailing List, at the time over 78,000 email addresses, regarding (1) the upcoming distribution of ballots for the Election, Email from Monitor to Global Mailing List (Oct. 11, 2022, 12:51 p.m. ET), and (2) recordings of the Candidate Forums, Email from Monitor to Global Mailing List (Oct. 11, 2022, 3:50 p.m. ET). The email regarding ballot distribution provided the dates of ballot distributions, relevant Election deadlines, information regarding requesting replacement ballots, a link to the Election Rules, and copies of the ballots. *See also* Email from Monitor to Global Mailing List (Jan. 13, 2023) (regarding Run-Off Election and Candidate Forum).

⁶⁴ *See* McGorty Decl. ¶ 12, Ex. 12 (2022 Election Poster).

⁶⁵ The UAW also mailed Region 9 specific postcards to members of Region 9.

⁶⁶ The first postcard was mailed to 510,606 retired member addresses, and each of the four subsequent postcards were mailed to between approximately 960,000 and 1,010,000 active and retired member addresses.

D. Ballots

The Monitor worked with the UAW and Election Vendor to design and distribute ballots for both Elections, and to address member outreach regarding the same.

1. Infrastructure Concerning Ballot Access

Prior to the mailing of ballots, the Monitor, the UAW, and the Election Vendor established various methods to address anticipated questions and concerns from UAW members and to facilitate requests for replacement ballots. Those measures for both Elections included:

- **Election Vendor Call Center and Website.** The Election Vendor established an Election Vendor Call Center through which individuals could request a ballot if they did not receive one in the mail. The Election Vendor also established a website, www.uawvote.com, linked from the Monitor's election website,⁶⁷ through which members could request replacement ballots and receive updates regarding returned ballots. The Election Vendor processed approximately 5,000 new or replacement ballot requests for the 2022 Election and approximately 9,000 replacement ballot requests for the Run-Off Election. The Election Vendor addressed all requests submitted prior to the established deadline.⁶⁸
- **Monitor's Election Hotline.** The Monitor's Election Hotline also received ballot-related questions, complaints, and requests. If members reached out to the Monitor's Election Hotline seeking to obtain a ballot, they were directed to the Election Vendor Call Center and website.
- **Monitor's Website.** For the period of ballot distribution and return, the Monitor created a "ballots" tab on the Monitor's website⁶⁹ that provided information about the distribution of ballots and included a link to the Election Vendor's website.⁷⁰

2. Design of the Ballots

The Monitor worked with the UAW and Election vendor to create eleven (11) ballot

⁶⁷ Ballots, UAW Monitor, www.uawmonitor.com/ballots.

⁶⁸ The deadline to request a ballot for the 2022 Election was November 11, 2022, *see* Election Rules at 8, and the deadline to request a ballot for the Run-Off Election was February 15, 2023, *see* Run-Off Rules at 8.

⁶⁹ Ballots, UAW Monitor, www.uawmonitor.com/ballots.

⁷⁰ UAW Vote, Election Vendor, www.uawvote.com.

designs for the 2022 Election⁷¹ and four (4) ballot designs for the Run-Off Election.⁷² The Monitor solicited and considered feedback from the candidates before final printing⁷³ and, consistent with the Election Rules and Run-Off Rules, the ballots reflected the candidates' slate designation, when applicable.⁷⁴

The ballots for the Elections contained the deadline for the return of ballots, information regarding voter eligibility, instructions for completing the ballots, and the offices to be filled. They therefore constituted the legally required "notice" of the Election.⁷⁵

3. Mailing of the Ballots

In both Elections, over one million ballots were mailed to individuals throughout the United States (including Puerto Rico) and Canada to the last known address associated with

⁷¹ For the 2022 Election, there was a ballot for each region, a bilingual ballot, and an "At Large" ballot that contained the nation-wide races but not any Regional Director race. "At large" ballots were sent to members who requested a ballot but could not be found in LUIS and did not indicate which region they belonged to, as well as retiree records associated with region/local data that either had no corresponding local union or had a mismatch from a known local union in LUIS.

⁷² For the Run-Off Election, there were four versions of the ballot: (1) a ballot for members in Region 9, which contained all candidates for International President, International Vice President, and Region 9 Director; (2) a ballot for members not in Region 9, which contained all candidates for International President and International Vice President; (3) a bilingual ballot for Puerto Rico members, which contained all candidates for International President and International Vice President; and (4) a bilingual ballot for a subset of Spanish-speaking members of Region 9, which contained all candidates.

⁷³ The Monitor asked all candidates to confirm how they would like their names to appear on the ballot. *See* Email from Monitor to Candidates (Aug. 27, 2022); Email from Monitor to Candidates (Sept. 1, 2022). Three candidates' requested names, however, were rejected because the Monitor viewed the inclusion of "nicknames" as potentially confusing to voters. As described in the Supplement to the Seventh Report, one candidate later brought a protest on the basis of this decision, which was subsequently rejected by the Monitor and DOL. *See* Supplement to the Seventh Report at 5-6.

⁷⁴ Election Rule § 6-3 provided each candidate with the right to seek nomination, be nominated, campaign, and appear on the ballot for an International Officer position as a member of a slate of candidates. One candidate brought a pre-Election protest on the issue, which was denied by the Monitor and DOL. *See* Supplement to the Seventh Report at 5; *see also* Second Report at 22-24 (explaining that the inclusion of slate designations was consistent with (1) the related common practice of including a candidate's slate or party affiliation alongside their name on an election ballot; (2) the practice of other large unions, such as the Teamsters, which also use non-binding slates; and (3) past UAW practice). Following nominations, two groups of candidates formed slates by submitting Slate Declaration Forms: The Curry Solidarity Team and UAW Members United.

⁷⁵ *See* 29 U.S.C. § 481(e). Pursuant to DOL regulations, notice required by 29 U.S.C. § 481(e) can be mailed to each member's last known address and can be included with or on the ballot itself—so long as the notice is sent more than fifteen days before the deadline before the election. *See* 29 C.F.R. § 452.102; Election Union Officials, U.S. Dep't of Labor, <https://www.dol.gov/agencies/olms/compliance-assistance/elections>.

members in LUIS.⁷⁶ The Election Vendor also took the following additional measures:

- **NCOA.** The Election Vendor mailed ballots to alternative addresses obtained from the NCOA for members who moved between thirteen (13) and forty-eight (48) months prior to the ballot mailing.⁷⁷
- **TargetSmart.** For the 2022 Election, the Election Vendor mailed ballots to alternate addresses obtained from TargetSmart that corresponded to member records for whom postcards and ballot packages were returned as undeliverable (“RAU”) during the Referendum. For the Run-Off Election, the Election Vendor mailed ballots to alternate TargetSmart addresses for members whose ballot had previously been RAU and whose record had not been updated since prior to the 2022 Election.
- **LUIS Updates and Member Requests.** The Election Vendor also distributed ballot packages via scheduled supplemental mailings⁷⁸ to account for LUIS updates, as well as on an *ad hoc* basis to fulfill members’ requests to the Election Vendor.

4. Ballot-Related Inquiries and Issues

The Monitor worked with the Election Vendor and the UAW to investigate and address ballot-related questions and concerns communicated through the Election Hotline and formal election protests.

- **Duplicate Ballots.** Some Union members received more than one ballot because: (1) the member had more than one potentially valid address associated with their record in LUIS or identified through NCOA or TargetSmart;⁷⁹ (2) the member had multiple separate records in LUIS;⁸⁰ or (3) the member requested an additional ballot through the Election Vendor.

⁷⁶ Ballots for Canadian members were driven across the border and then mailed from within Canada. The Election Vendor began mailing ballots for the 2022 Election on October 17, 2022, and for the Run-Off Election on January 12, 2023.

⁷⁷ The U.S. Postal Service forwards mail for a minimum of twelve (12) months when a change of address form is filed. *See* Standard Forward Mail & Change of Address, U.S. Postal Service, <https://www.usps.com/manage/forward.htm>.

⁷⁸ For the 2022 Election, these supplemental mailings were sent to new records added in LUIS since the initial transmittal of the Global Mailing List. Additionally, in November 2022, the Election Vendor sent one mailing of approximately 3,000 ballots to addresses associated with previously existing records that had been updated since the initial transmittal of the Global Mailing List (“modified records”). *See* McGorty Decl. ¶ 18. For the Run-Off Election, the Election Vendor contemporaneously mailed ballots to both new and modified records.

⁷⁹ As described above, members who had moved within the last 13-48 months or whose Referendum ballots had been returned as undeliverable, but who had a seemingly updated address via TargetSmart, were sent ballots to both potential addresses.

⁸⁰ For example, local unions may have maintained and uploaded to LUIS more than one membership record for the member, often with variances on their name, address, or in some cases, because they transferred and joined a new local, and the original record was not removed.

To prevent the counting of multiple ballots, the Election Vendor flagged all members to whom multiple ballots were knowingly mailed, as well as all members with possible duplicate records. If multiple ballots were returned for any flagged member record, they were separated for further scrutiny and to determine whether they should be counted.

- **Non-Members Receiving Ballots.** A limited number of individuals who were not UAW members received ballots because (1) for the 2022 Election, a few local unions had provided incorrect information based on data provided by particular job sites where UAW members were employed, and (2) TargetSmart provided some incorrect addresses.⁸¹ The Monitor, UAW, and Election Vendor worked to identify and correct the underlying cause—including auditing several local unions—and established flags to prevent any possible non-member votes, if returned, from being counted.
- **Deceased Members.** Some deceased Union members received ballots because their local unions had closed or otherwise failed to update their membership records in LUIS. Through various forms of communication, including in direct response to outreach regarding this concern, the Monitor instructed surviving family members to immediately dispose of the ballot and notify the Monitor and UAW so that the Monitor and UAW could advise the relevant local union to update their records.⁸² When a surviving family member returned the ballot noting the member had passed, the Election Vendor marked the ballot as void and the UAW updated the member's record accordingly. Additionally, the Monitor worked with the UAW and Election Vendor to run searches to identify and isolate members on the voter roll that may be deceased so that, if the ballot was returned, it was not counted until the member's status was further investigated.⁸³
- **Incorrect Regional Ballots.** Some members of some local unions in regions where there was no contested race for Regional Director received the incorrect regional ballot through a processing error.⁸⁴ Upon learning of the issue, the Election Vendor immediately re-mailed the correct ballots with an insert explaining the issue so that each impacted member received an accurate ballot.⁸⁵ The Election Vendor also established a safeguard that, if returned, an erroneous ballot would not count as to the Regional Director race, and that each voter was only able to successfully cast one ballot.⁸⁶
- **RAU Ballots.** Some of the ballots mailed throughout the Elections were returned as undeliverable. To proactively minimize the number of RAU ballots, the Monitor, UAW, and Election Vendor engaged in the

⁸¹ See McGorty Decl. ¶ 15.

⁸² Questions and Answers, UAW Monitor, <https://www.uawmonitor.com/elections>; see also McGorty Decl. ¶ 17.

⁸³ See *id.*

⁸⁴ See *id.* ¶ 19.

⁸⁵ See *id.*

⁸⁶ See *id.*

aforementioned efforts to update the Global Mailing List.⁸⁷ For example, the Election Vendor provided local unions with the results of the NCOA process, and a list of all mail returned as undeliverable during the Referendum so that more up-to-date addresses could be identified and utilized for those members.

- **Non-Qualifying Ballots.** There were some member records on the Global Mailing List to which ballots could not be mailed due to address formatting issues or the lack of an address. Most of these non-qualifying ballots were associated with individuals from higher education local unions, closed local unions, or local unions outside of the United States. The number of non-qualifying ballots was reduced following efforts by the UAW to obtain updated addresses and by the Election Vendor to update or correct as many non-qualifying records as possible.

F. Lawsuits and Election Protests

Consistent with the LMRDA and Consent Decree,⁸⁸ the Election Rules and Run-Off Rules provided that any member in good standing had the right to file a “protest” alleging violations of the Election Rules.⁸⁹ As detailed in the Monitor’s Supplement to the Seventh Report, for the 2022 Election, the Monitor addressed fifteen (15) election protests from seven (7) complainants and, for the Run-Off Election, the Monitor addressed twelve (12) protests from nine (9) complainants.⁹⁰ After evaluating and resolving each protest, the Monitor certified the results of the Elections in the Seventh Report.

Following the Monitor’s resolution of the protests, some protesters availed themselves of their right under the LMRDA and Election Rules or Run-Off Rules to appeal to DOL. In each instance, DOL denied the protest, and the time for any other complainant to appeal to DOL has

⁸⁷ See *supra* at 8-12.

⁸⁸ See 29 U.S.C. § 482; Consent Decree ¶ 13.

⁸⁹ Election Rules § 9-1; Run-Off Rules § 9-1.

⁹⁰ Supplement to Seventh Status Report at 3-4. The Supplement to the Seventh Report described an allegation concerning the Lake Orion Plant but incorrectly stated that plant was within Local 600 (Region 1A), see Supplement to the Seventh Report at 9, when it is actually part of Local 5960 (Region 1). In addition to these formal protests, the Monitor received thousands of inquiries, informal complaints, and other outreach to the Monitor’s “Election Hotline.” Those communications were submitted confidentially and typically consisted of questions and concerns that did not invoke the protest procedures under the Rules. In all cases, the Monitor evaluated all outreach and, where appropriate, investigated and remediated any issues to the extent possible.

now expired.⁹¹ Two (2) UAW members have, however, subsequently sued DOL regarding its denial of their protests.⁹² Both matters remain pending in the U.S. District Court for the Eastern District of Michigan.

Outside of the protest process, Union members filed several lawsuits against the Monitor and UAW in connection with the administration of the 2022 Election.

- **Mancilla.** Then-candidate for Region 9A Director, Brandon Mancilla, and Local 2320 member, Alexandra Vail Kohnert-Yount, filed a complaint and motion for preliminary injunction and temporary restraining order against the UAW and the Monitor asking the Court to rule that all members of Local 2320—a local union that spans multiple regions—receive ballots for Region 9A.⁹³ The Court denied Plaintiffs’ motion.⁹⁴ Ballots were then distributed for Local 2320 members allowing them to vote in the Regional Director races based on the geographic location of their specific worksites.
- **Lehman.** Then-candidate for International President, William Lehman, filed a motion for a preliminary injunction and temporary restraining order to postpone the November 28, 2022 deadline for receipt of ballots and require the Union to make additional efforts to publicize the 2022 Election.⁹⁵ Mr. Lehman alleged that the efforts to provide notice of the 2022 Election (described above) were inadequate and that some members had been denied proper access to the ballot.⁹⁶ The Court denied Mr. Lehman’s motion⁹⁷ and the vote count proceeded as scheduled. Mr. Lehman later brought a post-election protest regarding similar issues, which both the Monitor and DOL denied.⁹⁸ Mr. Lehman then brought a lawsuit

⁹¹ See Supplement to Seventh Report at 4.

⁹² Supplement to Seventh Report at 12-13, 19; Complaint, *James Coakley v. U.S. Dep’t of Labor* (April 26, 2023), Civil No. 23-cv-10977, ECF No. 1; Complaint, *Will Lehman v. U.S. Dep’t of Labor and Acting Sec’y of Labor Julie A. Su* (July 3, 2023), Civil No. 23-cv-11585, ECF No. 1.

⁹³ Motion for Preliminary Injunction and Temporary Restraining Order, *Mancilla v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (Oct. 12, 2022), Civil No. 22-cv-12443, ECF No. 4. Following the Plaintiffs’ motion, the Monitor instructed the Election Vendor to hold the contested Local 2320 ballots from the initial October 17, 2022, mailing, pending the Court’s order. All ballots were distributed following the Court’s ruling.

⁹⁴ *Mancilla v. Barofsky*, No. 22-CV-12443, 2022 WL 16536221, at *8-9 (E.D. Mich. Oct. 28, 2022).

⁹⁵ Complaint, *Lehman v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (Nov. 17, 2022), Civil No. 22-cv-12790, ECF No. 1; Plaintiff’s Motion for Preliminary Injunction and Temporary Restraining Order, *Lehman v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.* (Nov. 17, 2022), Civil No. 22-cv-12790, ECF No. 4. The UAW Members United Slate also requested that the Monitor delay the ballot receipt deadline, but the Monitor declined the request.

⁹⁶ See *id.*

⁹⁷ *Lehman v. Int’l Union, United Auto., Aerospace, & Agric. Implement Workers of Am.*, No. 22-12790, 2022 WL 17184564, at *1 (E.D. Mich. Nov. 23, 2022).

⁹⁸ See Supplement to the Seventh Report at 12-13.

against DOL on July 3, 2023, which remains pending.⁹⁹

- **Retirees.** As detailed in the Monitor’s Supplement to the Seventh Report, three individuals challenged the Election Rules’ prohibition on retirees holding International Office before the Court.¹⁰⁰ All challenges thus far have been rejected, although one member’s subsequent lawsuit against DOL remains pending.¹⁰¹

III. VOTE COUNT AND RESULTS

In consultation with the Monitor and the UAW, the Election Vendor collected and tabulated all ballots returned by eligible members.

A. Collection and Tabulation of Ballots

The vote count for the 2022 Election began on November 29, 2022, at a facility outside of Dayton, Ohio (“Primary Count Site”)¹⁰² under the observation of Election Vendor staff and members of the Monitor’s team. Leading up to the vote count, the Election Vendor, accompanied by a private security officer, picked up all ballots returned to the U.S. Post Office Box designated for the 2022 Election,¹⁰³ and brought them to the “Ballot Security Room” at the Primary Count Site, which was equipped with around-the-clock, on-site security personnel and cameras.¹⁰⁴ In total, approximately 106,790 ballot packages were returned by the deadline.¹⁰⁵

For the Run-Off Election, the same Primary Count Site and pick-up process were used, and approximately 141,548 ballot packages were received by the deadline.¹⁰⁶

⁹⁹ See Complaint, *Will Lehman v. U.S. Dep’t of Labor and Acting Sec’y of Labor Julie A. Su* (July 3, 2023), Civil No. 23-cv-11585, ECF No. 1.

¹⁰⁰ See Supplement to the Seventh Report at 19.

¹⁰¹ See Complaint, *James Coakley v. U.S. Dep’t of Labor* (April 26, 2023), Civil No. 23-cv-10977, ECF No. 1.

¹⁰² The Primary Count Site was located at 155 Harrisburg Dr., Englewood OH 45322. Vote Count Rules § 1-2.

¹⁰³ This Post Office Box was located in Dayton, Ohio.

¹⁰⁴ Vote Count Rules § 1-2.

¹⁰⁵ See Fourth Report at 2. The deadline for receipt of ballots for the 2022 Election was November 28, 2022, at 4 p.m. ET. Additional ballot envelopes were received that had been defaced to remove or mask the pre-printed identifying information on them. These were marked “Void” and not scanned or logged in, even if received before the deadline.

¹⁰⁶ For the Run-Off Election, to be counted, ballots were required to be received at the Post Office in Dayton, Ohio, by 4 p.m. ET on February 28, 2023. Once again, ballot envelopes that had been defaced to remove or mask the pre-printed identifying information on them were marked “Void” and not scanned or logged in.

In accordance with the Election Rules or Run-Off Rules, respectively, the Election Vendor counted the votes of members in good standing (based on information contained in the Union's LUIS database) as of the eligibility deadlines: October 31, 2022, for the 2022 Election, and January 31, 2023, for the Run-Off Election.¹⁰⁷

B. Observers

Candidates and their observers were permitted to observe the printing and mailing of ballots,¹⁰⁸ the preparation for the mailing of ballots,¹⁰⁹ ballot pick up, sorting of returned ballots, mailing of replacement ballots, the operation of the Election Vendor's Call Center, and the vote count itself.¹¹⁰ Each candidate was also permitted up to ten (10) observers (who were required to be UAW members in good standing) and one (1) campaign staff (who did not have to be a UAW member) present for the count activities.¹¹¹ Approximately sixty (60) individuals were approved to serve as observers or campaign staff.

At the Primary Count Site, observers were able to enter the count floor, and both observers and campaign staff had access to offices.¹¹² While on the count floor at the Primary Count Site, observers were prohibited from interfering with the election processes, but could challenge

¹⁰⁷ Election Rules at 8; Run-Off Rules at 8. In advance of both Elections' eligibility deadlines, the UAW and Monitor sent a letter to local unions instructing them to update information regarding members' standing in LUIS to determine voter eligibility. *See* Letter to Local Unions (July 5, 2022); Letter to Local Unions (Jan. 30, 2023); *see also* Letter to Local Unions (Nov. 5, 2022). The UAW used this information in LUIS to prepare eligibility lists which were transmitted to the Election Vendor, who then verified the eligibility of each returned ballot before it was counted by scanning the barcodes on all received ballots, which indicated whether the respective member was coded Eligible or Challenged. During the scanning process the data was recorded on one of the Election Vendor's laptop computers and stored in multiple places: on a master file on a dedicated server, in a file on the laptop, and on data sticks.

¹⁰⁸ The printing of ballots was conducted by Christian Edwards and the mailing of ballots was conducted by Rees, both in Des Moines, Iowa. Rules for Observers § 2; *see also* Election Rules § 7-3.

¹⁰⁹ Rules for Observers § 2.

¹¹⁰ *Id.* § 3.

¹¹¹ Vote Count Rules § 1-1. Candidates were asked to submit their list of observers in advance of the vote count so that the Monitor could work with the UAW to confirm their good standing. *Id.* Slates of candidates were not permitted to have an independent group of observers, but if a candidate was a member of a slate and did not individually send their total limit of ten (10) observers to the count activities, the slate was permitted to send observers to make up the difference for that candidates' allotment. *Id.*

¹¹² The offices included (1) an office for the Curry Solidarity Team; (2) an office for the UAW Members United Slate; (3) an office for candidates unaffiliated with any slate.

ballots¹¹³ and direct questions and concerns about any of the ballot processing and counting activities to an on-site Election Vendor Shift Supervisor or a member of the Monitor's team.¹¹⁴

The same procedures were used during the Run-Off. Additionally, during the Run-Off, observers for each candidate were invited to observe the Monitor and UAW's outreach to local unions regarding the membership status of individuals associated with the challenged ballots.¹¹⁵ This observation took place at the various count sites described below and at the UAW's regional offices in Michigan.

C. Ballot Processing and Vote Tabulation

The vote count for the 2022 Election took place at the Primary Count Site from November 29, 2022, to December 2, 2022. Members of the Monitor's team, UAW representatives, and observers were present for the entirety of this process. The vote count process was the same as the one described in the Referendum Report,¹¹⁶ and it included: opening the envelopes and extracting ballots in a way that ensured the secrecy of the member's vote; remarking or remaking machine unreadable ballots consistent with the voter's intent; tabulating ballots; posting copies of the tabulation reports for each precinct in binders on the count floor; and returning the precinct's trays to the ballot security room where all ballot materials were packaged to be stored in another secure facility for one year.¹¹⁷

Pursuant to the results of the 2022 Election, six (6) International Officers were elected in contested races: Margaret Mock (International Secretary-Treasurer); Mike Booth (International Vice President); Rich Boyer (International Vice President); LaShawn English (Region 1 Director);

¹¹³ Observers formally challenged ballots at a designated area at the Primary Count Site after the Monitor, in consultation with the Election Vendor's counsel, decided to count or not count a ballot that reflected ambiguous voter intent by, for example, crossing out candidate names.

¹¹⁴ Vote Count Rules § 1-5.

¹¹⁵ See *infra* at 22-23.

¹¹⁶ See Referendum Report at 24-25.

¹¹⁷ See *generally* Vote Count Rules.

Dave Green (Region 2B Director); and Brandon Mancilla (Region 9A Director).¹¹⁸ Additionally, five (5) International Officers were elected in uncontested races: Laura Dickerson (Region 1A Director); Steve Dawes (Region 1D Director); Brandon Campbell (Region 4 Director); Mike Miller (Region 6 Director); and Tim Smith (Region 8 Director).¹¹⁹ Six (6) candidates in three (3) races—where no candidate secured a majority of the votes, as required under Article 10, Section 5 of the UAW Constitution—required a run-off: Ray Curry and Shawn Fain (for International President); Tim Bressler and Chuck Browning (for International Vice President); and Lauren Farrell and Daniel Vicente (for Region 9 Director).¹²⁰

The vote count for the Run-Off Election began at the Primary Count Site on March 1, 2023, with the same processes as the Referendum and 2022 Election vote counts. By March 4, 2023, all Run-Off ballots that had been deemed eligible had been counted. As described in the Monitor's Fifth Report, at this point, the Monitor was able to determine the results of the 2023 Run-Off Election for the International Vice President and Region 9 Director races because the margin between the candidates was larger than the number of outstanding challenged ballots.¹²¹ Accordingly, the Monitor announced that Chuck Browning and Daniel Vicente had been elected as International Vice President and Region 9 Director, respectively.¹²²

For the International President race, however, the vote differential between the candidates as of March 4, 2023, remained smaller than the number of unresolved challenged ballots.¹²³ As a result, the outcome of that race could not be announced until the number of remaining unresolved challenged ballots was fewer than the votes separating the candidates for International President.

¹¹⁸ See Fourth Report at 4.

¹¹⁹ See *id.*

¹²⁰ See *id.* at 5.

¹²¹ Challenged ballots included those associated with individuals for whom there was some question to be resolved about their eligibility to vote in the Run-Off Election based on the Union's records at the time of the vote count.

¹²² See Fifth Report at 4-5.

¹²³ See *id.* at 3.

Accordingly, the outstanding challenged ballots were physically secured, and the Monitor worked with the Election Vendor and the UAW to gather information needed to resolve the eligibility status of the individuals who voted the challenged ballots.¹²⁴

After the Monitor had resolved a portion of the challenged ballots, the vote count was reconvened on March 16, 2023, at the Westin Book Cadillac Detroit Hotel in Detroit, Michigan.¹²⁵ The Election Vendor, under the supervision of members of the Monitor's team, and with observers present, hand counted all the ballots that had previously been challenged but had since been deemed eligible. Following this process, the number of unresolved, challenged ballots still outnumbered the differential between the candidates, and the outcome of the race for International President still could not be announced.¹²⁶ The Monitor thus resumed working with the Union and the Election Vendor to resolve the eligibility status of the individuals who voted the outstanding challenged ballots. More ballots for the race for International President were hand counted on Saturday, March 25, 2023, in Taylor, Michigan, at which point the margin between the candidates for International President was larger than the number of remaining challenged ballots, meaning the winner of the International President Run-Off race could be announced.¹²⁷ The Monitor announced that Shawn Fain had been elected as International President in the Monitor's Sixth Report.¹²⁸

¹²⁴ A similar exercise was required for the 2022 Election because, after all non-challenged ballots had been counted, Mike Booth had secured one of the three International Vice-Presidential positions but Rich Boyer's margin of victory for the second International Vice President position was smaller than the number of outstanding challenged ballots. In this instance, however, the Monitor and UAW were able to quickly resolve a sufficient number of challenged ballots at the Primary Count Site in view of observers. At approximately 8:30 p.m. ET on Friday December 2, 2022, a sufficient number of the challenged ballots had been counted or ruled ineligible such that Mr. Boyer secured the second International Vice President position, and the vote count was completed.

¹²⁵ See Fifth Report at 3.

¹²⁶ See *id.*

¹²⁷ See Sixth Report at 2-3; Sixth Status Report Addendum.

¹²⁸ See Sixth Report at 3. On May 22, 2023, the UAW, Monitor, and Election Vendor held a final vote count in Detroit, Michigan and counted the remaining challenged ballots that were able to be resolved.

D. Election Results

The Election Rules required that the Monitor announce the “unofficial” results of the Election upon completion of the vote count for any race in which a candidate received a majority of the vote as calculated under amended Article 10, Section 5 of the UAW Constitution. These results were announced in the following reports to the court:

- **Fourth Report.** The Monitor’s Fourth Report, filed on December 5, 2022, announced the results of the 2022 Election.
- **Fifth Report.** The Monitor’s Fifth Report, filed on March 17, 2023, announced the results of the Run-Off Election for the International Vice President and Region 9 Director races.
- **Sixth Report.** The Monitor’s Sixth Report, filed on March 25, 2023, announced the results of the Run-Off Election for the International President race.¹²⁹

Announcement of the unofficial election results did not constitute certification of the outcome.¹³⁰ Instead, the Monitor issued final certification of the results of the 2022 Election in the Seventh Report, following the Monitor’s resolution of all Election-related protests and internal appeals. The Monitor and UAW also posted this information on their respective websites. Consistent with applicable legal and constitutional provisions, the winners were promptly installed into office following the Monitor’s announcement of these unofficial results.¹³¹ The cumulative results of the Elections are listed in Exhibit B.

IV. IMPROVEMENTS TO ELECTIONS

At the June 2023 Meeting of the International Executive Board (“IEB”), the Monitor discussed with the IEB areas for reforms to the Union’s election processes in advance of the 2026 Election that should be promptly considered. The Monitor recommended that the UAW quickly

¹²⁹ See also Sixth Report Addendum.

¹³⁰ See Election Rules § 2-15; see also *id.* § 2-14.

¹³¹ See Fourth Report at 3; Fifth Report at 6; Sixth Report at 5-6.

establish a working group to engage with the Monitor and discuss lessons learned from the 2022 election cycle and preparations and reforms for the 2026 Election.¹³² The Monitor addressed several potential topics for this working group's consideration,¹³³ including:

- A centralized and current contact list of eligible members and retirees;
- Infrastructure to implement the Constitutional amendments prohibiting non-member donations and capping donations at \$2,000 per candidate per member (*i.e.*, developing a system to track the source and amount of campaign contributions and cross-reference those contributions against an accurate database of membership records, to enforce the prohibition against non-member donations and the campaign contribution cap);¹³⁴
- A system that would allow candidates to campaign to members via phone or text banking using Union records;
- Future ballots methods (*i.e.*, whether to continue with mail-in ballots or explore alternative ballot methods, such as in-person or electronic voting); and
- Alternative methods of conducting a run-off election, such as ranked choice voting.

The Monitor will work with the UAW and other stakeholders to assess these and other potential reforms for the 2026 Election, and to prepare the rules for the 2026 Election consistent with the outcome of those discussions. The Monitor emphasized that, because certain reforms could take significant time to develop and implement, it was important that the UAW begin to consider the various options for reform and engage with the Monitor on these issues in the near term, so that the UAW has sufficient time to implement any reforms in advance of the next election.

After the Monitor and the UAW resolve the aforementioned issues, the Monitor will publish the Official Rules for the 2026 Election.¹³⁵ In the interim, the Official Rules for the 2022

¹³² The UAW established a working group to interface with the Monitor on the development of the 2022 Election Rules. *See* Second Report at 5-6.

¹³³ *See* Monitor Presentation to IEB (June 5, 2023).

¹³⁴ *See supra* at 4-5.

¹³⁵ *See* Second Report at 5-6 (describing the Monitor's work with a UAW working group, OLMS, and other stakeholders to develop the Election Rules for the 2022 Election).


Election remain in effect, with one addition. As noted above, the Monitor has issued a supplemental rule amending the existing Election Rules to memorialize the Constitutional amendment prohibiting non-member donations and capping donations at \$2,000 per candidate per member.¹³⁶ The Official Rules for the 2026 Election will include additional rules on campaign finance reporting requirements and the infrastructure to support the enforcement of the new campaign finance rules, which is one of the issues the Monitor expects to resolve in consultation with the aforementioned working group.

The Monitor will report on the UAW's progress on these issues and preparations for the 2026 Election in future reporting.

* * *

Pursuant to Paragraph 58 of the Consent Decree, the foregoing Report constitutes the eighth report of the Monitor, Neil M. Barofsky.

Date: December 8, 2023


Neil M. Barofsky, Monitor

*Respectfully filed with the Court on behalf
of the Monitor by counsel to the Monitor,*

/s/ Michael W. Ross
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¹³⁶ See *supra* at 4-5.

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2023, the foregoing Report was served electronically on all counsel of record via the CM/ECF system. In addition, pursuant to Paragraph 58 of the Consent Decree, the foregoing Report was served on consent by electronic mail upon the United States, the UAW's International President, the International Executive Board, and designated counsel for UAW.

/s/ Michael W. Ross

Michael W. Ross